IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 2689 OF 2004

Sujata Mohan Kapse ..Plaintiff

versus

Mohan Ganesh Kapse & Ors. ..Defendants

Mr. J. S. Kini for the Plaintiff.

Plaintiff present in person.

Ms. Usha Purohit for the Defendant No.3.

CORAM : D. G. DESHPANDE,J.

DATE : 28TH OCTOBER 2004.

P.C. :

1. Plaintiff is present with her Advocate. Advocate for the Defendant No.3 is also present. The Plaintiff has challenged the Gift Deed executed by her father in law in favour of the Defendant No.3. The Plaintiff has certain orders in her favour of the Family Court and of the City Civil Court. However, counsel for the defendant No. 3 made a statement and tendered document to show that the suit premises have been sold by the Defendant No.3 on 14th October 2004 by Registered Sale Deed in favour of Pravin Jadhav and Narbada Jadhav. This new further development has changed the entire context of the suit. The plaintiff therefore, who

is present, has filed an affidavit dated 27th October 2004 to the fact that she does not want to prosecute her suit for any reliefs. She also makes a similar statement orally before the Court. Suit is therefore allowed to be withdrawn.

2. Counsel for the Defendant No.3 states that if any articles of the plaintiff or her belongings are with the defendant No.3, she will be permitted to take them and/or defendant no.3 will have no objection in handing over them at the time to be fixed as per the convenience of the parties.

3. In view of the above, suit allowed to be withdrawn. Notice of Motion does not survive the same also stands disposed of accordingly. Refund of court fees as per the Rules. Certified copy expedited.

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